

Remarks

Status of application

Claims 8-44 are pending in the subject application. The claims stand rejected over Holub (USP 6,157,735). This Amendment is filed in conjunction with a Request for Continued Examination, which itself is filed with a Petition for Extension of Time pursuant to a Notice of Appeal filed on November 26, 2002. The claims have been amended to address the art rejections raised in the Examiner's Final Action mailed February 27, 2002. In an effort to expedite prosecution of the present application, claims 45-76 have been canceled.

Prior art rejection and amended claims

Claims 8-14, 16, 19, 26-39, 41-44, 45-51, 53, 56, 63-71, and 73-76 stand rejected under 35 U.S.C. 102(e) as being anticipated by Holub (6,157, 735). The Examiner's rejection of claim 8 is representative:

"transferring images to the remote user's display upon initiation of color display characterization" is disclosed, see col. 13 lines 32-34, 58-60, col. 14 lines 22-30, to cite a few places where transferring images occurred as claimed;

"processing information related to the user's interactions with the images to determine color display characteristics of the remote user's display" is disclosed, see col. 14 lines 27-32, 41-51, col. 13 lines 34-38, to mention a few places where processing information to determine color display characteristics occurred as claimed. Claim 9: "transferring the images to the remote user's display before transferring information processing code to the remote user" is disclosed, see col. 13 lines 32-37, col. 14 lines 27-32.

Here, the Examiner likens Applicant invention to the color reproduction system of Holub, which operates on a network (e.g., volume production machinery, pre-press and proofing devices, etc.). The claims have been amended to prevent such an interpretation.

At the outset, it is worth noting that Applicant's current claims do not seek to claim the broad notion of color correction occurring on a network. Instead, the claimed invention is directed to color detection and calibration of remote user's display systems, such

as those that may be connected via the Internet. More particularly, the claimed approach sets forth the feature that the detection and calibration occurs via means of a server computer that stores a multitude of images thereby permitting several image providers to provide color corrected images to different users, for determining and calibrating color display characteristics of each user's particular display. This is very different than what is described by Holub. For example, Holub describes, at column 9, lines 7-18, that the different nodes in his system are intended to function in a node-to-node manner for purposes of distributing the input color image data (from one of the nodes to others) thus providing a virtual proof in the given network.

The amended claims highlight these architectural differences. For example, amended claim 8 recites (among other things) claim limitations of:

remotely calibrating the remote user's display by performing substeps of:
receiving a request at a server for characterizing the remote user's display;
under control of said server, transferring images selected to assist with remote calibration of the remote user's display from said server to the remote user's display upon initiation of color display characterization, said server functioning to permit multiple image providers to provide color corrected images to the user for determining and calibrating color display characteristics of different displays;

(emphasis added)

(The dependent claims incorporate these limitations by implication.)

The claimed approach is not one of using a node-to-node, or peer-to-peer, approach to distribute a virtual proof set in a given network. Instead, the approach is to use a (central) server to store calibration images (and programming logic) that allows the server to conduct color detection and calibration interactions with a multitude of different -- remotely located -- user or client display systems. A particular feature of the invention, as set forth in the claims,

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indicating that a particular image is being color corrected displayed in accordance with the remote detection and calibration.

Further, several of the dependent claims set forth additional features of the invention that distinguish the claims over Holub's node-based virtual proof set. For example, dependent claim 10 sets forth the feature that the specific information about a given user display is processed at the server in order to determine color display characteristics of that particular remote user's display. Clearly, the architecture set forth in Applicant's claims is that of a centralized server interacting with each remote user/client individually. This is not the same as creating a virtual proof set and distributing it using node-to-node communication, as required by Holub.

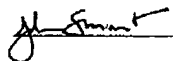
Conclusion

In view of the foregoing remarks and the amendment to the claims, it is believed that the amended claims distinguish over the art. Appended herewith is an attachment captioned "Version with markings to show changes made" presenting a marked-up version of the changes made to the application by the current amendment. An attachment captioned "Clean-copy Version of Claims" showing all remaining claims, in clean form, is also included. If for any reason the Examiner feels that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at (408) 884-1507.

Respectfully submitted,

Date: April 28, 2003

✓
Signature Valid



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is that the server provides subsequent validation to the user in the form of automatically indicating that a particular image is being color-corrected displayed in accordance with the remote detection and calibration.

Further, several of the dependent claims set forth additional features of the invention that distinguish the claims over Holub's node-based virtual proof set. For example, dependent claim 10 sets forth the feature that the specific information about a given user display is processed at the server in order to determine color display characteristics of that particular remote user's display. Clearly, the architecture set forth in Applicant's claims is that of a centralized server interacting with each remote user/client individually. This is not the same as creating a virtual proof set and distributing it using node-to-node communication, as required by Holub.

Conclusion

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Respectfully submitted,

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Version with markings to show changes made

In the specification,

Marked-up version of the replacement paragraph(s)/section(s), pursuant to 37 CFR 1.121(b)(1)(iii):

There are no amendments to the specification.

In the claims,

Marked-up version of the amended claims, pursuant to 37 CFR 1.121(c)(1)(ii):

Claims 45-76 have been canceled.

Claim 8, 13 , and 35 have been amended as follows:

8. (Twice Amended) A method for determining and calibrating color display characteristics of a remote user's display so as to be able to provide color corrected images to the user over a network, comprising the steps of:

remotely calibrating the remote user's display by performing substeps of:

receiving a request at a server for characterizing the remote user's display;

under control of said server, transferring images selected to assist with remote calibration of the remote user's display from said server to the remote user's display upon initiation of color display characterization, said server functioning to permit multiple image providers to provide color corrected images to the user for determining and calibrating color display characteristics of different displays; [and]

processing information related to the user's interactions with the images to determine color display characteristics of the remote user's display; and

automatically notifying the user when a particular image being displayed is color corrected in accordance with said calibration.

13. (Twice Amended) The method of claims 9 [, 10, or 11] wherein:
the remote user is a client computer connected to a network.
35. (Twice Amended) The method of claims 32 [or 33], comprising the further step of:
adjusting images distributed by the image provider to the user in accordance with the
characterization file.